A/B/3627

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

		§	Art Unit:	3627
In re Applicant:	Stanley Mo et al.	§		
		§		
Serial No.:	09/540,968	§		
		§	Examiner:	Andrew J. Rudy
Filed:	March 31, 2000	§		
		§		
Title:	Managing On-Line Transactions	§	Docket No.:	ITL.0365US (P8584)
		§		
		§		
Customer No.:	21906	§	Confirmation No.:	2086

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APPEAL BRIEF

TABLE OF CONTENTS

REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-30 have been twice rejected and are the subject of this appeal.

STATUS OF AMENDMENTS

No amendments have been filed subsequent to the rejection dated September 16, 2004.

SUMMARY OF CLAIMED SUBJECT MATTER

In some embodiments of the present invention an e-commerce system may connect an on-line customer with an on-line transaction service. The on-line transaction service may include a server, which may present web pages for viewing by on-line customers. The on-line transaction service may be coupled to a network such as the Internet. The on-line customer may decide to make various purchases by inputting information into a graphical interface provided by the service. Specification, page 4, lines 8-15.

Generally, the on-line transaction service, which may include a storage for storing software and a server, may receive an electronic indication of an inventory allocation. Specification, page 4, line 26-page 5, line 11; page 6, lines 1-4 and 10-13; page 5, lines 20-23. *See also* Figures 1 and 2. The on-line transaction service may complete a plurality of on-line sales transactions against the inventory allocation. Specification, page 4, lines 16-26; page 6, lines 1-4 and 18-26; page 7, line 13-page 9, line 8. *See also* Figures 1-4. In response to the depletion of the inventory allocation, the on-line transaction service may automatically request an additional inventory allocation. Specification, page 5, lines 12-19; page 6 line 14-page 7, line 9; page 7, line 13-page 8, line 18. *See also* Figures 1-3.

In turn, a product vendor, such as a product vendor inventory management system that includes a server, storage, and software stored on the storage, may provide an electronic allocation of an inventory allocation to the on-line sales transaction service. Specification, page 4, line 26-page 5, line 11; page 9, lines 9-23. *See also* page 5, lines 20-23; Figures 1 and 5. The vendor inventory management system may receive a request from the on-line sales transaction service for an additional inventory allocation. Specification, page 4, line 26-page 5, line 11; page 5, lines 12-15; page 9, lines 4-8. *See also* Figures 1 and 5. The product vendor inventory management system may provide the on-line sales transaction service with an additional inventory allocation. Specification, page 5, lines 12-19; page 9, lines 9-23. *See also* Figures 1 and 5.

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The ground of rejection asserted in the Office action dated, September 16, 2004, is as follows:

1. Claims 1-30 were rejected under 35 U.S.C. §102(a) as being anticipated by Rosenberg (US 6,418,416).

ARGUMENT

1. *Alleged Anticipation of Claims 1-30.*

A. Claims 1-18.

Rosenberg does not anticipate because Rosenberg fails to disclose all of the elements of independent claims 1 and 10, arranged as required by the claims. To anticipate, each and every element of the claimed invention, arranged as required by the claims, must be found in a single prior art reference. *See generally, In re Schreiber,* 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997); *Diversitech Corp. v. Centruy Steps, Inc.,* 850 F.2d 675, 677-78, 7 USPQ 1315, 1317 (Fed. Cir. 1988); *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick,* 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

Claim 1 calls for receiving an electronic indication of an inventory allocation, completing a plurality of on-line sales transactions against the allocation, and in response to the depletion of the allocation, automatically requesting an additional inventory allocation. Rosenberg fails to disclose an on-line sales transaction service that completes a plurality of on-line sales transactions against an inventory allocation.

Neither Rosenberg's customer site 105 nor his portal site 152 complete a plurality of on-line sales transactions against an inventory allocation, and in response to the depletion of the allocation, automatically request an additional inventory allocation. For example, the examiner cites to element 268 of Rosenberg as an electronic inventory. *See* Office action dated July 27, 2004. Item 268 is an option that allows an authorized user (i.e. user 160) to view cabinet inventory via a portal site's web server 152. *See* column 5, line 49; column 6, lines 32-51; Figure 1. However, there is no teaching or suggestion in Rosenberg that the customer site sells the cabinet inventory on-line. Thus, the customer site does not complete on-line sales transactions against an inventory allocation.

Also, the portal 152 does not complete on-line sales transactions against an inventory allocation. For example, vendors 220 deliver supplies directly to the customer

10

site. *See* column 2, lines 8-16; column 6, lines 20-29; Figure 3. Thus, the portal site does not have an inventory allocation to complete a plurality of on-line sales against.

Taken together, neither the customer site 105 nor the portal site 152 in Rosenberg complete a plurality of on-line sales transactions against an allocation of inventory. Accordingly, Rosenberg does not anticipate independent claims 1 and 10.

B. Claims 19-22.

Rosenberg does not anticipate independent claim 19 because all of the limitations are not disclosed.

For example, claim 19 calls for a server that completes a plurality of on-line sales transactions against an electronic indication of an inventory allocation, a memory coupled to said server that stores said inventory allocation, and said server decrements said inventory allocation with each on-line sales transaction, monitors the inventory allocation and automatically requests an additional inventory allocation. Rosenberg fails to specifically disclose a server that completes a plurality of on-line sales transactions against an electronic indication of an inventory allocation.

As explained above in section A, neither the customer site nor the portal site in Rosenberg complete on-line sales transactions. Additionally, the web server at Rosenberg's portal site does not complete on-line transactions against an inventory allocation. For example, the server may be accessed by an authorized user (160) to view the contents in a cabinet. *See* Figure 1; column 6, lines 32-51. However, there is no indication that the server is used to complete a plurality of on-line sales transactions against the contents in the cabinet. Thus, for this additional reason, Rosenberg does not anticipate claim 19.

C. Claims 23-28.

Rosenberg fails to anticipate independent claims 23 and 26 because each limitation of the claims is not disclosed.

11

For example, claim 23 calls for providing an electronic allocation of an inventory allocation to an on-line sales transaction service, receiving a request from said on-line sales transaction service for an additional inventory allocation, and providing said on-line sales transaction service with an additional inventory allocation.

As previously mentioned, the examiner cites to element 268 of Rosenberg as an electronic inventory. *See* Office action dated July 27, 2004. However, item 268 merely allows an authorized user (i.e. user 160) to view cabinet inventory via a web site. *See* column 5, line 49; column 6, lines 32-51. Thus, there is no express or implied teaching in Rosenberg that the inventory in the cabinets is sold on-line. Clearly, the customer site is not an on-line sales transaction service.

Similarly, there is no indication that the supplier interface 165 in Rosenberg provides an electronic allocation of inventory to an on-line sales transaction service. That is, the customer site is not an on-line sales transaction service. Also, there is no indication that Rosenberg's supplier interface provides the portal site with inventory information. That is, inventory information at the portal site is gathered from the customer site. For example, vendors 220 deliver inventory to the customer site to stock the cabinets. Column 2, lines 13-16; column 4, lines 10-20; column 6, lines 20-25. A controller associated with a cabinet collects inventory data. Column 4, lines 10-31. In one example, pressure sensitive switches are actuated when the cabinets are stocked or items removed. *Id.* The cabinet controller communicates with the portal's server, and the server tracks cabinet activity and analyzes cabinet inventory levels. Column 4, lines 36-41; column 5, lines 11-14. Thus, the portal site obtains cabinet inventory information from the customer site.

There is no express or implied teaching in Rosenberg that the portal site receives inventory information from vendors. That is, authorized users (160) may access the supplier to track purchase orders and order histories and receive account information and invoices (through supplier interface 165). However, Rosenberg fails to disclose that this information is transmitted from the supplier interface 165 to the portal 152. *See* column 6, lines 1-5. As such, neither the portal site nor the supplier interface provide an

electronic indication of an inventory allocation or an additional inventory allocation to an on-line sales transaction service.

Because every limitation of claims 23 and 26 are not taught or suggested, Rosenberg does not anticipate either claim.

D. Claims 29 and 30.

Rosenberg does not anticipate claim 29. Again, Rosenberg fails to teach all of the limitations of the claim.

Independent claim 29 calls for a server, and a storage storing software that causes the server to provide an electronic indication of an inventory allocation to an on-line sales transaction service, receive a request from the on-line sales transaction service for an additional inventory allocation, and provide an addition inventory allocation to an on-line sales transaction service. Rosenberg fails to disclose a server as claimed in claim 29.

As explained above, the customer site 105 does not sell the supplies on-line. Thus, the servers 130 and 140 at Rosenberg's portal do not provide an electronic indication of an inventory allocation to an on-line sales transaction service.

Also, as explained above, the vendor does not provide the portal site with inventory information through the interface 165. In some instances the supplier interface may be a server. Column 5, line 6. Even so, there is no specific teaching in Rosenberg that inventory information is sent from the supplier server to the portal site. Thus, the supplier server too does not provide an electronic indication of an inventory allocation or an additional allocation of inventory to an on-line sales transaction service.

Because all limitations of claim 29 are not taught or suggested by Rosenberg, *prima facie* anticipation has not been established.
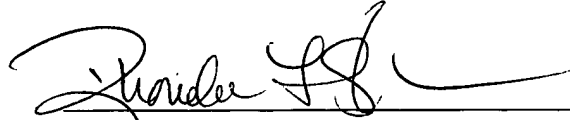
CONCLUSION

As discussed above in the arguments section of this appeal brief Rosenberg fails to disclose every limitation of the independent claims. Thus, *prima facie* anticipation has

not been established; reversal of the rejections and allowance of the application is requested.

Respectfully submitted,

Date: <u>December 17, 2004</u>

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CLAIMS APPENDIX

1.   A method comprising:

receiving an electronic indication of an inventory allocation;

completing a plurality of on-line sales transactions against said allocation; and

in response to the depletion of said allocation, automatically requesting an additional inventory allocation.

2.   The method of claim 1 further including maintaining a count of available inventory allocation and decrementing said count as each on-line transaction is completed.

3.   The method of claim 1 wherein receiving an electronic indication of an inventory allocation includes receiving said inventory allocation from a remote site.

4.   The method of claim 1 wherein receiving an electronic indication of an inventory allocation includes receiving said allocation over a network.

5.   The method of claim 4 wherein receiving an electronic indication of an inventory allocation includes receiving said allocation over the Internet.

6.   The method of claim 1 wherein requesting an additional inventory allocation includes determining whether the inventory allocation needs to be replenished.

7.   The method of claim 6 wherein determining whether the inventory allocation needs to be replenished includes determining whether an inventory allocation has been reduced through the completion of on-line transactions below a preset level.

8.   The method of claim 6 wherein determining whether the inventory allocation needs to be replenished includes determining the rate at which on-line transactions are being completed and implementing a dynamic calculation that considers the rate at which on-line transactions are being completed.

9.   The method of claim 8 including utilizing the rate at which transactions are completed and the rate at which additional inventory is to be requested to determine whether the inventory allocation needs to be replenished.

10.   An article comprising a medium for storing instructions that enable a computer to:

receive an electronic indication of an inventory allocation;

complete a plurality of on-line sales transactions against said allocation;
and

in response to the depletion of said allocation, automatically request an additional inventory allocation.

11.   The article of claim 10 further storing instructions that enable a computer to maintain a count of available inventory allocation and decrement said count as each on-line transaction occurs.

12.   The article of claim 10 further storing instructions that enable a computer to receive an inventory allocation from a remote site.

13.   The article of claim 10 further storing instructions that enable a computer to receive said allocation over a network.

14.   The article of claim 13 further storing instructions that enable a computer to receive said allocation over the Internet.

15.   The article of claim 10 further storing instructions that enable a computer to determine whether to request an additional inventory allocation based on the number of on-line sales transactions completed against said allocation.

16.   The article of claim 15 further storing instructions that enable a computer to determine whether the inventory allocation has been reduced below a preset level.

17.   The article of claim 15 further storing instructions that enable a computer to implement a dynamic calculation that considers the rate at which on-line transactions are being completed.

18.   The article of claim 17 further storing instructions that enable a computer to utilize the rate at which transactions are completed and the rate at which additional inventory is to be requested to determine whether the inventory allocation needs to be replenished.

19.   A system comprising:

a server that completes a plurality of on-line sales transactions against an electronic indication of an inventory allocation;

a memory coupled to said server that stores said inventory allocation; and

said server decrements said inventory allocation with each on-line sales transaction, monitors the inventory allocation and automatically requests an additional inventory allocation.

20.   The system of claim 19 wherein said server is coupled to the Internet and completes transactions over the Internet.

21. The system of claim 19 wherein said server dynamically determines when to request an additional inventory allocation based at least in part on the rate at which transactions are being completed.

22. The system of claim 21 wherein said server requests an additional inventory allocation based at least in part on a predetermined frequency for requests for an additional inventory allocation.

23. A method comprising:

providing an electronic allocation of an inventory allocation to an on-line sales transaction service;

receiving a request from said on-line sales transaction service for an additional inventory allocation; and

providing said on-line sales transaction service with an additional inventory allocation.

24. A method of claim 23 further including providing a frequency for requests for additional allocation.

25. A method of claim 23 including providing the indication of an inventory allocation over the Internet.

26. An article comprising a medium that stores instructions that enable a computer to:

provide an electronic indication of an inventory allocation to an on-line sales transaction service;

receive a request from said on-line sales transaction service for an additional inventory allocation; and

provide said on-line sales transaction service with an additional inventory allocation in response to said request.

27. The article of claim 26 further storing instructions that enable a computer to provide a frequency for requests for an additional inventory allocation.

28. The article of claim 26 further storing instructions that enable a computer to provide said inventory allocation over the Internet.

29. A system comprising:

a server; and

a storage storing software that causes said server to provide an electronic indication of an inventory allocation to an on-line sales transaction service, receive a request from said on-line sales transaction service for an additional inventory allocation, and provide an additional inventory allocation to said on-line sales transaction service.

30. The system of claim 29 wherein said server is coupled to the Internet.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.